

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAY NAIK,

Plaintiff,

vs.

UR M. JADDOU, in her official capacity as Director, U.S. Citizenship and Immigration Services;

Defendant.

4:24CV3003**MEMORANDUM AND ORDER**

This matter comes before the Court on the Findings and Recommendation of the Magistrate Judge. [Filing No. 6](#). The Magistrate Judge recommends this Court dismiss the case for want of prosecution, as there has been no service on Defendant and no compliance with the Magistrate Judge's order. *Id.* For the reasons stated herein, the Court adopts the Findings and Recommendation and dismisses the case.

When a Magistrate Judge assigned to oversee a case proposes findings and recommendations, they file those with the Court. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). A party may file an objection to a Magistrate Judge's findings and recommendations within fourteen days of receiving service of it. [Fed. R. Civ. P. 72\(b\)\(2\)](#). On review, the Court may accept, reject, or modify, in whole or in part, the findings and recommendations of a Magistrate Judge. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

The court record shows the complaint, filed on January 5, 2024, has not been served on Defendant. [Filing No. 6](#). The Magistrate Judge entered an order on April 11, 2024 requiring Plaintiff to show cause why this case should not be dismissed for want of prosecution under [Fed. R. Civ. P. 4\(m\)](#). [Filing No. 4](#). The deadline for responding to the

show cause order was May 2, 2024. *Id.* Plaintiff failed to file a response. [Filing No. 6](#). Therefore, the Magistrate Judge recommended on May 9, 2024 that this Court dismiss this case. *Id.* More than fourteen days have passed, and the record shows no party has filed an objection to the findings and recommendation. Accordingly, the Court adopts the Magistrate Judge's recommendation to dismiss the case for failure to prosecute.

THEREFORE, IT IS ORDERED THAT:

1. The Court adopts the Magistrate Judge's Findings and Recommendation, [Filing No. 6](#), in full.
2. The case is dismissed without prejudice.
3. The Court will file a separate judgment in conjunction with this Memorandum and Order.

Dated this 10th day of December, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge